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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,052	08/21/2000	Marie Lapalme	2425-1-1	6898

20988 7590 10/02/2003
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EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 10/02/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,052

Applicant(s)

Lapalme

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 13, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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1. The request filed on June 13, 2003 for a Request for Continued (RCE) is acceptable and a RCE has been established. An action on the RCE follows.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The particular claimed limitation “wherein at least two redundant channels are used for each of said video signal and said audio signal, such that said at least one hearing impaired person can choose according to best reception” as shown at claim 20 is not fully supported by the Specification. The Specification discloses, at most, that “two or more redundant channels for the audio signal, from which the hearing-impaired person can choose according to the best reception” (Page 19, lines 15-16). The Specification therefore does not teach the particular use of redundant channels for the video signal as claimed.

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4. Claims 11-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

- (1) claim 11, line 4, "said speaker's mouth" shows no clear antecedent basis;
- (2) claim 11, line 6, "said speaker's mouth" shows no clear antecedent basis;
- (3) claim 11, line 8, "said speaker's mouth" shows no clear antecedent basis;
- (4) claim 14, line 1, "said wireless transmissions" shows no clear antecedent basis; and
- (5) claim 24, line 2, "said speech" shows no clear antecedent basis.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullister of record (5,886,735) in view of Cannon of record (5,742,335).

Bullister discloses a video telephone headset as shown in Figures 1, 2, 4A, 4B, 5A, and 5B, and substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as claimed in claims 11, 26, and 27, comprising the same providing the speaker with a headset frame (i.e., 12 of Figure 1 and see Figures 4A and

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5A) having a camera (i.e., 112 of Figures 1, 4A) attached thereto and positioned to capture images of the speaker's mouth; providing the at least one hearing impaired person with at least one display (see Figure 3); capturing continuous video images of the speaker's mouth using the camera (i.e., with camera 112 of Figures 1, 4A), wherein the camera is positioned to capture images of the speaker's mouth and facial expressions (see column 6, lines 21-27); transmitting the images to the at least one display for the at least one hearing impaired person to view such that movement of the speaker's mouth coincides with sound emitted by the speaker (see column 3, lines 20-62, column 10, line 11 to column 11, line 30); and wherein each of the at least one hearing impaired person is provided with a display (see Figure 3).

Bullister does not particularly disclose, though, transmitting the images in real time as claimed in claim 11. The particular transmission of images in real time is however old and well recognized in the art, as exemplified by Cannon (see column 4, lines 61-65). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister and Cannon references in front of him/her and the general knowledge of real time image transmissions, would have had no difficulty in providing the real time image transmissions of Cannon for the captured images within Bullister for the same well known real time transmission of images so as to avoid any delay purposes as claimed.

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7. Claims 12, 13, 15, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister and Cannon as applied to claims 11, 26, and 27 in the above paragraph (6), and further in view of Ricardo et al of record (5,884,197).

The combination of Bullister and Cannon discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, further including capturing continuous sound emitted by the speaker via a microphone (i.e., 140 of Figure 5A of Bullister; within 76 of Figure 4 and see column 5, line 66 to column 6, line 7 of Cannon); and transmitting the images and the sound comprises transmitting via a wireless video signal and a wireless audio signal, respectively, and wherein the video signal and the audio signal are transmitted as two distinct signals on respective wave bands (see 24, 72, 74, 90 of Figure 4, column 4, lines 56-67, column 5, line 35 to column 6, line 19 of Cannon).

The combination of Bullister and Cannon does not particularly disclose, though, transmitting the sound in real time to at least one amplifying device located proximate to the at least one hearing impaired person such that speech of the speaker can be simultaneously heard from the speaker and through the amplifying device, wherein the amplifying device is a hearing aid device as claimed in claims 12 and 19. However, Ricardo et al discloses a wireless portable transceiver as shown in Figure 1, and teaches the conventional use of amplifying devices for amplifying an audio signal (see column 1, lines 32-63). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, and Ricardo et al references in front of him/her and the general knowledge of audio amplifiers, would have had no difficulty in

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providing a hearing aid audio amplifier system as taught by Ricardo et al for the audio receiver 98 of Cannon for the same well known audio amplification purposes as claimed.

8. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister and Cannon as applied to claims 11, 26, and 27 in the above paragraph (6), and further in view of Farris et al (6,154,207).

The combination of Bullister and Cannon discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein voice recognition is performed on the video images of the speaker to transform the speech into written form, wherein the written form is output on the at least one display for the at least one hearing impaired person to visualize as claimed in claims 24 and 25. However, Farris et al discloses an interactive language editing in a network based video on demand system as shown in Figures 1, 3, 8, 9, 11, and teaches the conventional multimedia involving closed captioning for the hearing impaired wherein voice recognition is performed on the video images of the speaker to transform the speech into written form and wherein the written form is output on the at least one display for the at least one hearing impaired person to visualize (see column 21, lines 42-63). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, and Farris et al references in front of him/her and the general knowledge of closed captioning for the hearing impaired, would have had no difficulty in providing the particular voice recognition involved in the closed captioning for the hearing impaired where the speech of a speaker is transformed into written form and wherein

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the written form is output on a display for the hearing impaired person to visualize as taught by Farris et al as part of the audio and visual communication system within Bullister and Cannon for the same well known closed captioning for the hearing impaired purposes as claimed.

9. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 11-13, 15, 17, 19, 26, and 27 in the above paragraphs (6) and (7), and further in view of Farris et al (6,154,207).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein voice recognition is performed on the speech of the speaker to transform the speech into written form, wherein the written form is output on the at least one display for the at least one hearing impaired person to visualize, and wherein the voice recognition is performed on the speech and on the video images as claimed in claims 21-23. However, Farris et al discloses an interactive language editing in a network based video on demand system as shown in Figures 1, 3, 8, 9, 11, and teaches the conventional multimedia involving closed captioning for the hearing impaired wherein voice recognition is performed on the video images of the speaker to transform the speech into written form and wherein the written form is output on the at least one display for the at least one hearing impaired person to visualize (see column 21, lines 42-63). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Ricardo et al, and Farris et al references in front of him/her and the general knowledge of closed captioning for the hearing

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impaired, would have had no difficulty in providing the particular voice recognition involved in the closed captioning for the hearing impaired where the speech of a speaker is transformed into written form, wherein the written form is output on a display for the hearing impaired person to visualize, and wherein the voice recognition is performed on the speech and on the video images as taught by Farris et al as part of the audio and visual communication system within Bullister, Cannon, and Ricardo et al for the same well known closed captioning for the hearing impaired purposes as claimed.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 11-13, 15, 17, 19, 26, and 27 in the above paragraphs (6) and (7), and further in view of Lyons (5,903,574).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein at least two redundant channels are used for each of the video signal and the audio signal, such that the at least one hearing impaired person can choose according to best reception as claimed in claim 20. The particular use of redundant channels and selection of redundant channels for best error-free channel in general are old and well recognized in the art, as exemplified by Lyons (see column 1, lines 21-34, column 1, line 52 to column 2, line 4). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Ricardo, and Lyons references in front of him/her and the general knowledge of redundant channel selections, would have had no difficulty

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in providing the redundant channel selection criteria as taught by Lyons for the audio and video signals in the audio and visual communication system of Bullister, Cannon, and Ricardo for the same well known protection against a catastrophic failure of a single channel and selection of an error-free channel purposes as claimed.

11. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 11-13, 15, 17, 19, 26, and 27 in the above paragraphs (6) and (7), and further in view of Harris et al (6,331,972).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein the wireless transmissions are low-power transmissions and wherein the transmitting via a wireless video signal comprises transmitting via a low-power wireless video signal as claimed in claims 14 and 16. However, Harris et al discloses a personal data storage and transaction device system as shown in Figures 1 and 2, and teaches the conventional low power transmission of wireless video images (see column 7, lines 4-20, column 8, lines 35-45). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Ricardo, and Harris et al references in front of him/her and the general knowledge of low power transmission of video data, would have had no difficulty in providing the redundant channel selection criteria as taught by Lyons for the audio and video signals in the audio and visual communication system of Bullister, Cannon, and Ricardo

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for the same well known protection against a catastrophic failure of a single channel and selection of an error-free channel purposes as claimed.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 11-13, 15, 17, 19, 26, and 27 in the above paragraphs (6) and (7), and further in view of Fancher of record (5,128,755) and Oxman of record(4,352,200).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same method for providing audio and visual communication between a speaker and at least one hearing impaired person as above, but does not particularly disclose wherein the video signal is transmitted on a wave band located in a 902-928 MHZ range, and wherein the audio signal is transmitted on a wave band located in a 72-76 MHZ range. However, the particular frequency range transmission of video and audio signals in the specific ranges as claimed are old and well recognized in the art (see column 3, lines 35-42 of Fancher; column 4, lines 45-66 of Oxman). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Richardo et al, Fancher, and Oxman references in front of him/her and the general knowledge of RF video and audio transmissions, would have had no difficulty in providing the specific audio and video transmission ranges as taught by Fancher and Oxman for the audio and video signals of Cannon for the same well known RF transmission compliance purposes as claimed.

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13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m., with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

Richard Lee/rl

9/16/03



RICHARD LEE
PRIMARY EXAMINER